

Pre-Interview Communication

(For use in the First Action Interview Pilot Program)

Application No.

10/789,598

Applicant(s)

MINNICH, DAVID WAYNE

Examiner

TAUQIR HUSSAIN

Art Unit

2452

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

To avoid abandonment of the application, applicant must, within this time period for reply, file:

- (1) A letter requesting not to have a first-action interview, or
- (2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

Disposition of Claims

- 3) ☒ Claim(s) 1-20 is/are pending in the application.
3a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 4) ☐ Claim(s) _____ is/are allowed.
- 5) ☒ Claim(s) 1-20 is/are rejected.
- 6) ☐ Claim(s) _____ is/are objected to.
- 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Contact Information

Examiner's Telephone Number: (571)270-1247
Examiner's Typical Work Schedule: 7:30 AM to 5:00 PM
Supervisor's Name: John Follansbee
Supervisor's Telephone Number: 571 272 3964

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/27/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Pre-Interview Communication (For use in the First Action Interview Pilot Program)		Application No. 10789598	Applicant(s) MINNICH, DAVID WAYNE	
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Notification of Rejection(s) and/or Objection(s)

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
	1, 10, 11 and 26	US 20020057713 A1	35 U.S.C. 102(b)	Claims 1, 11 and 26 (Abstract, Fig. 6, [0120] and [0121])
	2, 5-10, 12, 17-21, 27, 30, 34	US 6959076 B2	35 U.S.C. 103(a)	claims 5,6,8,9,10,12,17-21 and 27,30, 34-36 (Chang, Fig.2, [0023], [0024], [0025], [0026] and [0028]-[0032]); Claim 2 (Chang, [0035],

Expanded Discussion/Commentary

	Bagchi discloses, alignment request message as depicted in Fig.11, where frame-synchronized scrambler blocks of data needs necessary synchronization and Bagchi further discloses protocol version support in paragraph [0174] and [0159] and communication parameters or negotiating link level communication are disclosed in [0178]. Further discussion regarding protocol and parameter values can be found in [0194].
	Applicant is reminded to rewrite the phrase "adapted to" as recited in claims 26, 30 and 34-36 into more precise terms which makes the claim definite.

DATE: 6/19/2009	/Dohm Chankong/ Primary Examiner, Art Unit 2452	/TH/ Art Unit 2452
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